

REMARKS

In the Final Office Action, the Examiner rejected claims 1, 3, 6-10, 12-14, 16, 17, 19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,043,477 to Mercer et al. ("*Mercer*"), U.S. Published Patent Application No. 2002/0031071 to Han et al. ("*Han*"), and U.S. Published Patent Application No. 2002/0103796 to Hartley et al. ("*Hartley*"); rejected claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley* and U.S. Published Patent Application No. 2003/0236582 to Zamir et al. ("*Zamir*"); and rejected claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley*, and U.S. Patent No. 6,707,768 to Shilling et al. ("*Shilling*").

By this amendment, Applicants propose to amend claims 1, 10, 14, and 23. Claims 1, 3, 6-10, 12-14, and 16-23 would be pending.

Applicants respectfully traverse the rejection of claims 1, 3, 6-10, 12-14, 16, 17, 19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, and *Hartley*. No *prima facie* case of obviousness has been established.

Independent claim 1 recites an audio playback apparatus including "means for specifying a shuffle range," and "means for randomly selecting a next music file group from within the shuffle range, wherein the next music file group comprises at least two music files."

On page 4 of the Final Office Action, the Examiner concedes that *Mercer* does not teach or suggest the claimed "means for randomly selecting." Moreover, *Han* also does not teach or suggest the claimed "means for randomly selecting."

Hartley discloses shuffling among songs in a user-defined category. *Hartley*, ¶ [0031]. However, *Hartley* does not teach or suggest “means for randomly selecting a next music file group from within the shuffle range, wherein the next music file group comprises at least two music files,” as recited in claim 1 (emphasis added).

For at least these reasons, *Mercer*, *Han*, and *Hartley* do not teach or suggest the subject matter of claim 1, and do not establish a *prima facie* case of obviousness with respect to claim 1.

Independent claims 8, 9, 10, 14, and 23, while of different scope than claim 1, distinguish over *Mercer* and *Han* for similar reasons as claim 1. Claims 3, 6, 7, 12, 13, 16, 17, and 19 depend from one of the independent claims.

Applicants respectfully traverse the rejection claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley* and *Zamir*, and the rejection of claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han*, *Hartley*, and *Shilling*. No *prima facie* case of obviousness has been established.

Claims 18 and 20-22 depend from one of claims 1 and 10. As discussed previously *Mercer*, *Han*, and *Hartley* fail to teach or suggest claims 1 and 10.

Zamir and *Shilling* fail to cure the deficiencies of *Mercer*, *Han*, and *Hartley*. *Zamir* and *Shilling* fail to teach or suggest “means for randomly selecting a next music file group from within the shuffle range, wherein the next music file group comprises at least two music files.” Accordingly, *Mercer*, *Han*, *Hartley*, *Zamir*, and *Shilling* fail to teach or suggest claims 18 and 20-22, and do not establish a *prima facie* case of obviousness with respect to these claims.

Applicants respectfully request that the Examiner enter that this Amendment under 37 C.F.R. § 1.116, placing the claims in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

In view of the foregoing, Applicants submit that the claims are neither anticipated nor rendered obvious in view of the cited references. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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